

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:13-cv-00209-FDW-DSC

ROBIN CARON, )  
                  )  
Plaintiff,      )  
                  )  
vs.                )  
                  )  
MICROSOFT CORPORATION, )  
                  )  
Defendant.      )  
                  )  
                  )  
                  )

---

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss (Doc. No. 3) pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. The parties have fully briefed the motion, and this matter is now ripe for disposition.

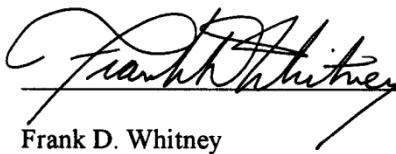
While the Court agrees with Defendant in part that Plaintiff's complaint is lacking specificity with regard to specific acts of discrimination and harassment, the Court finds the Complaint, filed *pro se*, to be minimally sufficient to withstand Plaintiff's motion. Notably, Plaintiff's Complaint identifies by number the charge filed with the Equal Employment Opportunity Commission (Doc. No. 1, p. 2) and also identifies by name the manager accused of wrongdoing (Doc. No. 1, p. 2). Furthermore, the relief Defendant seeks by way of dismissal is an extreme measure, particularly where a statute of limitations might be affected. The Court finds the less drastic measure of allowing Plaintiff to provide a more definite statement of facts under Rule 12(e) of the Federal Rules of Civil Procedure to accomplish a similar purpose of identifying with specificity the acts of discrimination and harassment that form the basis for alleged discrimination. Plaintiff shall also file with the Court a copy of the EEOC charge and

Right to Sue letter. Plaintiff's amendment to his complaint shall be filed no later than fourteen (14) calendar days from the date of this Order, or the Court—pursuant to Rule 12(e)—may strike the pleading or issue an order of dismissal of the Complaint.

IT IS THEREFORE ORDERED that Defendant's Motion to Dismiss (Doc. No. 3) is DENIED WITHOUT PREJUDICE, and Plaintiff shall provide a more definite statement of facts no later than fourteen (14) calendar days from the date of this order.

IT IS SO ORDERED.

Signed: May 17, 2013



\_\_\_\_\_  
Frank D. Whitney  
United States District Judge

